

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2069**

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**Introduced by Assembly Member Carter**

February 18, 2010

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~~An act to amend Section 60200 of the Education Code, relating to educational material. An act to repeal Section 60200.7 of, and to repeal and add Section 60200.1 of, the Education Code, relating to instructional materials.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2069, as amended, Carter. Education: educational material.

Existing law requires the state board to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, subject to specified criteria.

~~This bill would make technical, nonsubstantive changes in those provisions.~~

*Existing law requires that instructional materials be submitted to the state board on a specified schedule.*

*This bill would repeal the submission schedule and would establish a different schedule for submission, as specified. The bill would further require the state board to adopt revised curriculum framework and evaluation criteria for instructional materials in history-social science no later than June 1, 2011.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 60200.1 of the Education Code is~~  
2     ~~repealed.~~

3     ~~60200.1. (a) (1) The instructional materials described in~~  
4     ~~paragraph (1) of subdivision (a) of Section 60200 shall be~~  
5     ~~submitted to the state board for adoption in 2008.~~

6     ~~(2) The instructional materials for foreign languages shall be~~  
7     ~~submitted to the state board for adoption in 2012.~~

8     ~~(3) The instructional materials for health shall be submitted to~~  
9     ~~the state board for adoption in 2013.~~

10    ~~(b) Notwithstanding any other provision of law, the requirement~~  
11    ~~in paragraph (6) of subdivision (c) of Section 60200 that other~~  
12    ~~criteria be approved at least 30 months before the date that the~~  
13    ~~materials are to be approved for adoption shall not apply if all of~~  
14    ~~the following conditions are met:~~

15    ~~(1) The criteria adopted are consistent with the content standards~~  
16    ~~adopted by the state board in each of the four core content areas~~  
17    ~~for which standards are adopted.~~

18    ~~(2) The schedule for the adoption of instructional materials~~  
19    ~~requires instructional materials for history-social science to be~~  
20    ~~adopted in November 2011, and instructional materials for science~~  
21    ~~to be adopted by November 2012.~~

22    ~~(3) The state board approves criteria for the adoption of~~  
23    ~~instructional materials in history-social science at least 18 months~~  
24    ~~before the state board adopts instructional materials in~~  
25    ~~history-social science.~~

26    ~~(4) The state board approves the criteria for the adoption of~~  
27    ~~instructional materials for science at least 24 months before the~~  
28    ~~state board adopts instructional materials in science.~~

29    ~~SEC. 2. Section 60200.1 is added to the Education Code, to~~  
30    ~~read:~~

31    ~~60200.1. (a) Notwithstanding any other law, instructional~~  
32    ~~materials for the following subjects shall be submitted for adoption~~  
33    ~~as follows:~~

34    ~~(1) Mathematics in 2012.~~

35    ~~(2) English language arts in 2013.~~

36    ~~(3) History-social science in 2014.~~

37    ~~(4) Health in 2015.~~

38    ~~(5) Science in 2016.~~

1 (6) *World language in 2017.*

2 (7) *Visual and performing arts in 2018.*

3 (b) *Notwithstanding any other law, the state board shall adopt*  
4 *revised curriculum and evaluation criteria for instructional*  
5 *materials in history-social science no later than June 1, 2011.*

6 *SEC. 3. Section 60200.7 of the Education Code is repealed.*

7 ~~60200.7.—Notwithstanding Sections 60200 and 60200.1, the~~  
8 ~~state board shall not adopt instructional materials or follow the~~  
9 ~~procedures adopted pursuant to Sections 60200 and 60200.1 until~~  
10 ~~the 2013–14 school year.~~

11 *SECTION 1. Section 60200 of the Education Code is amended*  
12 *to read:*

13 ~~60200.—The state board shall adopt basic instructional materials~~  
14 ~~for use in kindergarten and grades 1 to 8, inclusive, for governing~~  
15 ~~boards, pursuant to the following provisions:~~

16 (a) ~~The state board shall adopt at least five basic instructional~~  
17 ~~materials for all applicable grade levels in each of the following~~  
18 ~~categories:~~

19 (1) ~~Language arts, including, but not limited to, spelling and~~  
20 ~~reading. However, the state board may not adopt basic instructional~~  
21 ~~materials in this category or the category specified by paragraph~~  
22 (2) ~~in the year succeeding the year in which the state board adopts~~  
23 ~~basic instructional materials in this category for the same grade~~  
24 ~~level.~~

25 (2) ~~Mathematics. However, the state board may not adopt basic~~  
26 ~~instructional materials in this category or the category specified~~  
27 ~~by paragraph (1) in the year succeeding the year in which the state~~  
28 ~~board adopts basic instructional materials in this category for the~~  
29 ~~same grade level.~~

30 (3) ~~Science.~~

31 (4) ~~Social science.~~

32 (5) ~~Bilingual or bicultural subjects.~~

33 (6) ~~Any other subject, discipline, or interdisciplinary areas for~~  
34 ~~which the state board determines the adoption of instructional~~  
35 ~~materials to be necessary or desirable.~~

36 (b) ~~The state board shall adopt procedures for the submission~~  
37 ~~of basic instructional materials in order to comply with each of~~  
38 ~~the following:~~

39 (1) ~~Instructional materials may be submitted for adoption in any~~  
40 ~~of the subject areas pursuant to paragraphs (1) to (5), inclusive, of~~

subdivision (a) not less than two times every six years and in any of the subject areas pursuant to paragraph (6) of subdivision (a) not less than two times every eight years. The state board shall ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with the six- and eight-year submission cycles and that the criteria for evaluating instructional materials developed pursuant to subdivision (b) of Section 60204 are consistent with subdivision (c). The state board may prescribe reasonable conditions to restrict the resubmission of materials that have been previously rejected if those resubmitted materials have no substantive changes.

(2) Submitted instructional materials shall be adopted or rejected within six months of the submission date of the materials pursuant to paragraph (1), unless the state board determines that a longer period of time, not to exceed an additional three months, is necessary due to the estimated volume or complexity of the materials for that subject in that year, or due to other circumstances beyond the reasonable control of the state board.

(c) In reviewing and adopting or recommending for adoption submitted basic instructional materials, the state board shall use the following criteria, and ensure that, in its judgment, the submitted basic instructional materials meet all of the following criteria:

(1) Are consistent with the criteria and the standards of quality prescribed in the state board's adopted curriculum framework. In making this determination, the state board shall consider both the framework and the submitted instructional materials as a whole.

(2) Comply with the requirements of Sections 60040, 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state board's guidelines for social content.

(3) Are factually accurate and incorporate principles of instruction reflective of current and confirmed research.

(4) Adequately cover the subject area for the grade level or levels for which they are submitted.

(5) Do not contain materials, including illustrations, that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo. Materials, including illustrations, that contain a commercial brand name, product, or corporate or company logo may not be used unless the state board determines that the use of the commercial brand name, product, or corporate

1 ~~or company logo is appropriate based on one of the following~~  
2 ~~specific findings:~~

3 ~~(A) If text, the use of the commercial brand name, product, or~~  
4 ~~corporate or company logo in the instructional materials is~~  
5 ~~necessary for an educational purpose, as defined in the guidelines~~  
6 ~~or frameworks adopted by the state board.~~

7 ~~(B) If an illustration, the appearance of a commercial brand~~  
8 ~~name, product, or corporate or company logo in an illustration in~~  
9 ~~instructional materials is incidental to the general nature of the~~  
10 ~~illustration.~~

11 ~~(6) Meet other criteria as are established by the state board as~~  
12 ~~being necessary to accomplish the intent of Section 7.5 of Article~~  
13 ~~IX of the California Constitution and of Section 1 of Chapter 1181~~  
14 ~~of the Statutes of 1989, provided that the criteria are approved by~~  
15 ~~resolution at the time the resolution adopting the framework for~~  
16 ~~the current adoption is approved, or at least 30 months prior to the~~  
17 ~~date that the materials are to be approved for adoption.~~

18 ~~(d) If basic instructional materials are rejected, the state board~~  
19 ~~shall provide a specific, written explanation of the reasons why~~  
20 ~~the submitted materials were not adopted, based upon one or more~~  
21 ~~of the criteria established under subdivision (c). In providing this~~  
22 ~~explanation, the state board may use, in whole or in part, materials~~  
23 ~~written by the commission or any other advisers to the state board.~~

24 ~~(e) The state board may adopt fewer than five basic instructional~~  
25 ~~materials in each subject area for each grade level if either of the~~  
26 ~~following occurs:~~

27 ~~(1) Fewer than five basic instructional materials are submitted.~~

28 ~~(2) The state board specifically finds that fewer than five basic~~  
29 ~~instructional materials meet the criteria prescribed by paragraphs~~  
30 ~~(1) to (5), inclusive, of subdivision (c), or the materials fail to meet~~  
31 ~~the state board's adopted curriculum framework. If the state board~~  
32 ~~adopts fewer than five basic instructional materials in any subject~~  
33 ~~for any grade level, the state board shall conduct a review of the~~  
34 ~~degree to which the criteria and procedures used to evaluate the~~  
35 ~~submitted materials for that adoption were consistent with the state~~  
36 ~~board's adopted curriculum framework.~~

37 ~~(f) This section does not limit the authority of the state board~~  
38 ~~to adopt materials that are not basic instructional materials.~~

39 ~~(g) If a district board establishes to the satisfaction of the state~~  
40 ~~board that the state-adopted instructional materials do not promote~~

1 the maximum efficiency of pupil learning in the district, the state  
2 board shall authorize that district governing board to use its  
3 instructional materials allowances to purchase materials as  
4 specified by the state board, in accordance with standards and  
5 procedures established by the state board.

6 (h) Consistent with the quality criteria for the state board's  
7 adopted curriculum framework, the state board shall prescribe  
8 procedures to provide the most open and flexible materials  
9 submission system and ensure that the adopted materials in each  
10 subject, taken as a whole, provide for the educational needs of the  
11 diverse pupil populations in the public schools, provide collections  
12 of instructional materials that illustrate diverse points of view,  
13 represent cultural pluralism, and provide a broad spectrum of  
14 knowledge, information, and technology-based materials to meet  
15 the goals of the program and the needs of pupils.

16 (i) Upon making an adoption, the state board shall make  
17 available to listed publishers and manufacturers and all school  
18 interests a listing of instructional materials, including the most  
19 current unit cost of those materials as computed pursuant to existing  
20 law. Items placed upon lists shall remain thereon, and be available  
21 for procurement through the state's systems of financing, from the  
22 date of the adoption of the item and until a date established by the  
23 state board. The date established by the board for continuing items  
24 on that list shall be the date on which the state board adopts  
25 instructional materials based upon a new or revised curriculum  
26 framework. Lists of adopted materials shall be made available by  
27 subject and grade level. The lists shall terminate and shall no longer  
28 be effective on the date prescribed by the state board pursuant to  
29 this subdivision.

30 (j) The state board may approve multiple lists of instructional  
31 materials, without designating a grade or subject, and the state  
32 board may designate more than one grade or subject whenever it  
33 determines that a single subject designation or a single grade  
34 designation would not promote the maximum efficiency of pupil  
35 learning. Any materials so designated may be placed on single  
36 grade or single subject lists, or multigrade or interdisciplinary lists,  
37 or may be placed on separate lists including other materials with  
38 similar grade or subject designations.

39 (k) A composite listing in the format of an order form may be  
40 used to meet the requirements of this section.

1     ~~(l) The lists maintained pursuant to this section shall not be~~  
2     ~~deemed to control the use period by any school district.~~

3     ~~(m) The state board shall give publishers the opportunity to~~  
4     ~~modify instructional materials, in a manner provided for in~~  
5     ~~regulations adopted by the state board, if the state board finds that~~  
6     ~~the instructional materials do not comply with paragraph (5) of~~  
7     ~~subdivision (c).~~

8     ~~(n) This section does not prohibit the publisher of instructional~~  
9     ~~materials from including whatever corporate name or logo on the~~  
10    ~~instructional materials that is necessary to provide basic~~  
11    ~~information about the publisher, to protect its copyright, or to~~  
12    ~~identify third-party sources of content.~~

13    ~~(o) The state board may adopt regulations that provide for other~~  
14    ~~exceptions to this section, as determined by the board.~~

15    ~~(p) The Superintendent shall develop, and the state board shall~~  
16    ~~adopt, guidelines to implement this section.~~